S.B.Criminal Revision Petition No.336/2006

Satish Kumar vs. The State of Rajasthan

Date of Order ::: August 22,2007.

HON'BLE MR.JUSTICE G.S.SARRAF

Mr.Rakesh Bhargava for petitioner.
Mr.Ashwani Kumar Sharma, P.P.

This criminal revision petition is directed against the order dated 22nd December,2005 of Additional District and Sessions Judge No.2, Alwar whereby the criminal revision petition filed by the State of Rajasthan against the order dated 26th July,2004 passed by Additional Chief Judicial Magistrate No.1 Alwar discharging the petitioner of the charges under Sections 420, 406 and 120B IPC, was allowed and charges under the above sections were directed to be framed against the petitioner and another.

Heard learned counsel for the petitioner and learned P.P.

There are at least three witnesses namely, Ashok Tanwar, Chhannumal and Raja Ram who have spoken about the complicity of the petitioner in clear terms.

At the stage of framing of charge it is only to be seen whether prima facie case is made out against the accused and the evidence is not to be critically examined to see whether the accused persons can be convicted or

not. What has to be seen is whether there are sufficient grounds to proceed against the accused. Considering the material and evidence available on record specially the statements of the three witnesses namely Ashok Tanwar, Chhannumal and Rajaram, I am of the opinion that there are sufficient grounds to proceed against the petitioner. I thus agree with the view taken by learned Additional District & Sessions Judge.

In the result the revision petition fails and the same is hereby dismissed.

(G.S.Sarraf),J.

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